26.   (Original) The system of claim 25 further comprising:

a first obtaining module configured to obtain a first identifier for first data related to the first

        communication;

a second obtaining module configured to obtain a second identifier for second data related to

        the second communication;

a using module configured to use at least one of the first data and the second data to perform

        an action during at least one of the first communication and the second

        communication if the first identifier and the second identifier are the same.

27.   (Original) The system of claim 26 further comprising:

a third providing module configured to provide second information decoded from a

        diagnostic code, wherein

at least one of the first data and the second data comprises the diagnostic code.

28.   (Original) The system of claim 26 further comprising:

a third providing module configured to provide third data obtained using at least one of the

        first identifier and the second identifier.

Claims 29-30: Cancelled

31.   (Previously Presented) A computer-readable medium that stores instructions, the instructions comprising:

first instructions configured to provide an automated option via a first communication channel of a first type during a first communication with a server via the first communication channel, wherein the automated option comprises a link to be displayed on a web page;

receiving instructions configured to accept a second communication with the server via a second communication channel, the second communication comprising a speech or DTMF signal; and

coordinating instructions configured to coordinate the first communication channel with the second communication channel, said coordinating instructions including:

determining instructions configured to determine, after said receiving instructions accept the second communication, that the second communication is related to the first communication; and

second instructions configured to provide, via the second communication channel, a computer generated voice message that includes an instruction to select the link.

32. (Previously Presented) The computer-readable medium of claim 31 wherein the instructions further comprise:

first obtaining instructions configured to obtain a first identifier for first data related to the first communication;

second obtaining instructions configured to obtain a second identifier for second data related to the second communication;

using instructions configured to use at least one of the first data and the second data to perform an action during at least one of the first communication and the second communication if the first identifier and the second identifier are the same.

33. (Previously Presented) The computer-readable medium of claim 32 wherein the instructions further comprise:

third providing instructions configured to provide second information decoded from a diagnostic code, wherein

at least one of the first data and the second data comprises the diagnostic code.

34. (Previously Presented) The computer-readable medium of claim 32 wherein the instructions further comprise:

third providing instructions configured to provide third data obtained using at least one of the first identifier and the second identifier.

Claims 35-36: Cancelled

37.   (Previously Presented) A computer system comprising:

a processor for executing instructions; and

a memory to store the instructions, wherein the instructions comprise

first instructions configured to provide an automated option via a first communication

channel of a first type during a first communication with a server via the first

communication channel, wherein the automated option comprises a link to be

displayed on a web page;

receiving instructions configured to accept a second communication with the server via a

second communication channel, the second communication comprising a speech

or DTMF signal; and

coordinating instructions configured to coordinate the first communication channel with the

second communication channel, said coordinating instructions including:

determining instructions configured to determine, after said receiving instructions

accept the second communication, that the second communication is related

to the first communication; and

second instructions configured to provide, via the second communication

channel, a computer generated voice that includes an instruction to

select the link.

38.   (Original)   The computer system of claim 37 wherein the instructions further comprise:

first obtaining instructions configured to obtain a first identifier for first data related to the first communication;

second obtaining instructions configured to obtain a second identifier for second data related to the second communication;

using instructions configured to use at least one of the first data and the second data to perform an action during at least one of the first communication and the second communication if the first identifier and the second identifier are the same.

39.   (Original)   The computer system of claim 38 wherein the instructions further comprise:

third providing instructions configured to provide second information decoded from a diagnostic code, wherein

at least one of the first data and the second data comprises the diagnostic code.

40.   (Original)   The computer system of claim 38 wherein the instructions further comprise:

third providing instructions configured to provide third data obtained using at least one of the first identifier and the second identifier.

Claims 41-42: Cancelled

43. (Previously Presented) The method of Claim 1, wherein selecting the link initiates a diagnostic test.

44. (Previously Presented) The system of Claim 19, wherein selecting the link initiates a diagnostic test.

45. (Previously Presented) The system of Claim 25, wherein selecting the link initiates a diagnostic test.

46. (Previously Presented) The computer-readable medium of Claim 31, wherein selecting the link initiates a diagnostic test.

47. (Previously Presented) The computer system of Claim 37, wherein selecting the link initiates a diagnostic test.

48. (Previously Presented) The method of Claim 1, wherein said computer generated voice message is formed in response to said speech or DTMF signal.

49. (Previously Presented) The system of Claim 19, wherein said computer generated voice message is formed in response to said speech or DTMF signal.

50. (Previously Presented) The system of Claim 25, wherein said computer generated voice message is formed in response to said speech or DTMF signal.

51. (Previously Presented) The computer-readable medium of Claim 31, wherein said computer generated voice message is formed in response to said speech or DTMF signal.

52. (Previously Presented) The computer system of Claim 37, wherein said computer generated voice message is formed in response to said speech or DTMF signal.

REMARKS/ARGUMENTS

The Applicants have carefully considered this application in connection with the Office Action and respectfully request reconsideration in view of the foregoing amendments and the following remarks.

The Applicants originally submitted Claims 1-42 in the application. In previous responses, the Applicants amended Claims 1, 12-13, 19, 25, 31-34 and 37, cancelled Claims 9, 10, 15-17, 24, 29, 30, 35-36, 41 and 42, and added Claims 43-52. In this response, the Applicants amend Claims 19 and 25 without prejudice or disclaimer. Accordingly, Claims 1-8, 11-14, 18-23, 25-28, 31-34, 37-40 and 43-52 are currently pending in the application.

I.   Applicant-Initiated Interview

The Applicants' undersigned representative contacted the Examiner of record on April 21, 2010 to discuss various aspects of the February 23 Office Action, including the apparent oversight of a feature of Claims 1, 19, 25 and 37 added by amendment in the Applicants' December 3, 2009 submission, namely "after said receiving" or similar language. The Examiner advised the Applicants to submit this response, and agreed to consider this aspect of the claims in response thereto. Based on this conversation, the Applicants amend Claims 19 and 25 herewith to clarify the relationship between the first and second communications recited in the claims. No change in claim scope results from this amendment, so no new search is required. The Applicants wish to convey their appreciation to the Examiner for the courtesies she extended during this discussion.

II. **Rejection of Claims 1, 2, 6-8, 11, 14, 19, 20, 22-23, 25-26, 28, 31-32, 34, 37-38, 40 and 43-52 under 35 U.S.C. § 103**

The Office has rejected Claims 1, 2, 6-8, 11, 14, 19, 20, 22-23, 25-26, 28, 31-32, 34, 37-38, 40 and 43-52 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,884,032 to Bateman, *et al.* ("Bateman") in view of U.S. Patent No. 6,456,699 to Burg, *et al.* ("Burg") and further in view of U.S. Patent No. 5,148,469 to Price ("Price") and further in view of U.S. Patent No. 4,390,953 to Johnstone ("Johnstone"). The Applicants respectfully traverse the rejection, because the Office Action fails to show that each and every element of the claims is described in a prior art reference for at least the following reasons.

1.   The Applicants filed an amendment to Claims 1, 19, 25 and 37 in a response filed December 3, 2009. The amendment to Claim 1 is representative, and included the feature,

> determining, after said receiving, that the second communication is related to
> the first communication

(emphasis added). However, the Office Action fails to address the feature "after said receiving". Because of this failure, the combination of references, as applied in the Office Action, fails to teach or suggest each and every element of Claim 1, and the claim is allowable. Claims 19, 25 and 37 are also allowable, *mutatis mutandis*.

2.   Moreover, the Applicants submit that the feature "after said receiving" is not taught or fairly suggested in the context of the full claim by the asserted combination. Bateman, for example, describes a pop-up form 54, communicated via an internet line 6, that allows a customer to enter a

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phone number to receive a phone communication on a phone 8 at a later time. (*See* FIG. 1; column 6, lines 15-19.)

As an initial matter, Claim 1 does not read on the transaction between the customer and the call center described by Bateman, as applied in the Office Action, because <u>the phone call is made from the call center to the customer</u>. Thus, it is the <u>customer</u> who <u>receives</u> the second communication. In contrast, Claim 1 specifies that <u>the provider of the automated option,</u> e.g. the <u>call center, receives</u> the second communication. Thus, the second communication described by Bateman, as applied by the Office Action, is in the wrong direction, and does not describe the second communication of Claim 1.

Moreover, as the Office Action applies Bateman, determining that the second communication (the phone call from the call center to the customer) is related to first communication (the pop-up window 54) takes place <u>before</u> the second communication occurs. Thus, Bateman as applied in the Office Action fails to describe "determining, <u>after</u> said receiving" as set forth in Claim 1 (emphasis added). Thus, Claim 1 does not read on the combination as asserted in the Office Action, and the claim is allowable.

3.   The Office Action also improperly asserts inherency in Bateman of the feature of Claim 1, receiving a second communication with the server via a second communication channel, the second communication comprising a speech or DTMF signal.

The Office Action states that this feature "is obvious if not inherent" in Bateman.

The Applicants respectfully note that the mere assertion of inherency is not sufficient to support a *prima facie* case of obviousness. Indeed, in the context of § 102 anticipation the Federal

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Circuit has addressed this issue, stating, "[t]o serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence. Such evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." (MPEP § 2131.01(III), citing *Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991), emphasis added.) The Office Action does not cite any extrinsic evidence in asserting inherency, so assertion of inherency is unsupported and not proper.

Accordingly, Claim 1 is allowable over the asserted combination. Claims 19, 25 and 37 are also allowable, *mutatis mutandis*. The rejections of the remaining claims fail to cure the deficiency of the combination with respect to Claims 1, 19, 25 and 37, so these claims are allowable at least because they each depend from an allowable base claim. The Applicants therefore respectfully request the Office withdraw the rejection of Claims 1, 2, 6-8, 11, 14, 19, 20, 22-23, 25-26, 28, 31-32, 34, 37-38, 40 and 43-52 under 35 U.S.C. § 103.

III. Rejection of 3, 4, 5, 12, 13, 18, 21, 27, 33 and 39 under 35 U.S.C. § 103

The Office has rejected Claims 3, 4, 5, 12, 13, 18, 21, 27, 33 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Bateman in view of Burg, Price and Johnstone, and further in view of U.S. Patent No. 6,279,125 to Klein ("Klein"). The Applicants respectfully traverse the rejection.

As set forth above, the asserted combination of Bateman, Burg, Price and Johnstone fails to support a *prima facie* obviousness of independent Claims 1, 19, 25 and 37. The Office Action does not cite Klein for teaching the aspects of these claims that are not taught or suggested by the asserted

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combination of Bateman, Burg, Price and Johnstone. Therefore, Klein as applied fails to cure the deficiency of the combination of Bateman, Burg, Price and Johnstone with respect to these aspects.

Accordingly, Claims 3, 4, 5, 12, 13, 18, 21, 27, 33 and 39 are allowable over the asserted combination. The Applicants therefore respectfully request the Office withdraw the rejection of Claims 3, 4, 5, 12, 13, 18, 21, 27, 33 and 39under 35 U.S.C. § 103.

IV.   Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-8, 11-14, 18-23, 25-28, 31-34, 37-40 and 43-52.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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